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September 16, 2018

The Honorable Jesse M. Furman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In re General Motors LLC Ignition Switch Litig.*, 14-MD-2543 (JMF)

Dear Judge Furman:

Lead Counsel proffered Stefan Boedeker as their sole affirmative purported expert in support of putative class-wide economic benefit-of-the-bargain damages. Mr. Boedeker has submitted four separate reports in this case, totaling over 450 pages (exclusive of appendices and exhibits) based on three surveys of tens of thousands of respondents. Mr. Boedeker's expansive opinions cover (among other things) supposed economic losses related to seven different recalls collectively impacting over 160 different makes and models of vehicles, and include damages estimates totaling **billions** of dollars. The import of Mr. Boedeker's opinions and the corollary significance of this Court's gate-keeping function under Federal Rule of Evidence 702 and *Daubert*, as well as class-certification in light of *Comcast* and its progeny, are manifest.

New GM thus respectfully requests the Court grant it leave to file a memorandum of law in support of its motion to exclude the opinions of Mr. Boedeker not to exceed 50 pages (reduced from its initial request of 60 pages). This enlargement over the Court's Individual Rule 3(D) limit is necessary to provide a full record on which to decide the multiple significant and potentially dispositive issues raised by New GM's motion. The extension request is also consistent with the parties' heretofore professional courtesies in agreeing to propose reasonable page extensions in light of the unique and complex nature of the expert and class-certification issues in this case. As the parties jointly submitted to this Court in support of agreed requests to extend page limits for summary-judgment and class-certification briefing (to 105 pages in the case of the latter):

Although the parties have been diligently working to present their evidence and arguments as concisely and efficiently as possible, the parties believe that the number and depth of issues invoked by the motions, the number of recalls at issue, and the lengthy factual record constructed over years of discovery warrant the extension request so that a complete presentation can be made.

(Docket No. 5802.) These same reasons apply with equal force here.

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New GM sought Lead Counsel's consent to a 60-page limit. (New GM is not requesting an extension for any other *Daubert* briefs.) In an effort to reach a good-faith compromise and to avoid interrupting the Court with unnecessary disputes, New GM reduced its request to 50 pages—which New GM believes is the absolute minimum that will afford it a fair opportunity to present and argue the myriad issues raised by Mr. Boedeker's opinions in this case. Plaintiffs' counsel, however, opposed the request, agreeing to only a 35-page brief. New GM believes it will be unfairly prejudiced if it is cabined to fewer than 50 pages.

For these reasons, New GM requests that the Court grant it leave to file a memorandum of law in support of its motion to exclude the opinions of Stefan Boedeker of not more than 50 double-spaced pages. New GM would not oppose affording plaintiffs the same number of pages in response, and further requests the Court grant it leave to file a reply brief in support of its motion of not more than 25 double-spaced pages.

In addition, this brief is due September 21, 2018. In light of the Yom Kippur holiday this week, New GM respectfully requests the Court direct Lead Counsel to file any response to this letter motion by 5:00 p.m. Eastern time on Monday, September 17, 2018 so the Court has adequate time to consider and rule upon this dispute before Tuesday evening.

Respectfully submitted,

/s/ Richard C. Godfrey, P.C.

/s/ Andrew B. Bloomer, P.C.

Counsel for Defendant General Motors LLC

cc: MDL Counsel of Record